

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2091
OF 2019**

Liyakat Faizullah Khan & Anr.

..Applicants

V/s.

The State of Maharashtra

..Respondent

None for the Applicants.

Mr. Y. Y. Dabke, APP, for the Respondent-State.

Mr. Hemraj G. Borse, PSI Yellow Gate Police Station present.

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**CORAM : C.V. BHADANG, J.
DATE : 21 August 2021**

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. Although there is no appearance on behalf of the Applicants, this Application can be disposed of on the basis of a statement made by the learned APP on instructions from the Investigating Officer who is present before the Court.

2. The Applicants apprehending arrest in Crime No.19/2019 Police Station Yellow Gate, under Section 324, 323, 504 and 506 r/w. Section 34 of IPC, are seeking anticipatory bail.

3. The prosecution case is that Complainant Iqbal Qureshi is in the business of sell and purchase of fish. He was acquainted with the Applicants as the Applicant Imtiyaz Ali Khan is dealing in fish under the name and style as 'Laraib Sea Food'. According to the Complainant, one year prior to the date of incident, he had purchased fish to the tune of Rs.2.5 Crores from the Applicants. Out of the said amount, Rs.2,70,000/- was outstanding to be paid by the Complainant. The Complainant alleged that six months prior to the incident, the Applicant Imtiyaz Ali Khan had taken over custody of a Duster Car bearing No.GJ10-BG-5389 belonging to the Complainant. According to the Complainant, the car was worth Rs.6 Lakhs. The incident in question is alleged to have happened on 29 August 2019 at about 15.30 hours when the Complainant was taking lunch in the Sukh Sagar Canteen at Mumbai wherein the Applicants are alleged to have assaulted the Complainant demanding the balance amount.

4. The record discloses that on 26 September 2019, interim protection, was granted to the Applicants, interalia on condition of attendance. This Application was adjourned in order to enable the Investigating Officer to verify the record of the R.T.O. to ascertain whether the Duster Car was transferred by the Complainant himself. Today, the learned APP has pointed out the statement of one Uttam Bafna who states that he has purchased said Duster Car from the Complainant for an amount

of Rs.2 Lakhs and the said amount is transferred to the Complainant via RTGS.

5. Learned APP, on instructions, states that said car has also been transferred in the name of purchaser Uttam Bafna in the records of the R.T.O. He also points out that the injuries sustained by the Complainant are simple in nature and the investigation is substantially complete. Learned APP also points out that the Applicants have attended as per the condition of the interim order dated 26 September 2019 and have co-operated with the Investigating Agency. It is submitted that the custody of the Applicants is not required.

6. In that view of the matter, the Criminal Application is disposed of in terms of the order dated 26 September 2019 subject to the condition that the Applicants shall co-operate with the Investigating Agency as when required and shall not tamper with the prosecution evidence / witnesses.

C.V. BHADANG, J.